

In Re Application Of: Robert E. Shaw
Serial No. 10/667,107
Filed: 09/19/2003
For: A Multiple and Par....

Examiner: Kenneth R. Hartman
Group Art Unit: 2619
Atty. Docket No:
Date: June __, 2008



**PETITION TO CORRECT INVENTORSHIP BY NAMING ADDITIONAL
ORIGINAL INVENTOR**

The undersigned, Robert E. Shaw and Eldad Matityahu, are the original and first inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: "A Multiple and Parallel Access Network Tap for Gigabit Internet LANS", the specification of which was filed on Sept. 19, 2003, as the United States Application Number 10/667,107.

Shortly before this application was prepared, Robert E. Shaw had joined the corporation, NetOptics, Inc., that had up until that time been headed by Eldad Matityahu. They each were involved in the transition of roles, Shaw to that of President and Matityahu to that of Chairman of the Board. During this transition a decision was made to file for a patent application for an invention that both had been involved with as part of their company's development of unique, novel, and saleable network hardware for the still rapidly growing Internet businesses, both in and around the Silicon Valley, and the United States, and abroad. Also, as part of the transition, an effort was made to relieve Mr. Matityahu of many of the demands on his time from operational details, to allow him to focus on creative and strategic aspects of the extremely volatile marketplace in which the company was and is still operating.

When the application was ready for filing, due to press of foreign travel Eldad Matityahu who had been involved in the preparation of the specification and claims that were submitted, was not present. Mr. Shaw, believing that he was the only individual who needed to be responsible for signing the application, as the invention was assigned to NetOptics, Inc. simultaneously with the filing, signed the application and it was submitted in his name.

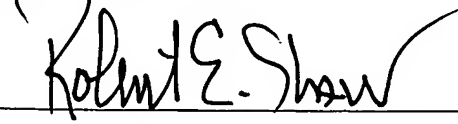
06/25/2008 WPSFAW1 00000031 10667107 130.00 UP
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At a later date – it is believed on or about 1/20/2005, though the exact date is not remembered with specificity – Mr. Matityahu inquired whether the application had included his name as one of the inventors. He also inquired whether the assignment had been filed with the application. Upon learning that the application had not included his name as one of the inventors, he inquired whether correction of this would be possible before the patent issued. He was assured, after research into the question, that this was feasible and that it could be done as part of any reply to a first response from the U.S. Patent Office, which was anticipated as soon arriving, as the then-estimated pendency period suggested. There was concern that an unsolicited petition could impede either an initial response as the U.S. Patent Office was reported as experiencing considerably greater volume of filings and associated inputs, and was also considering outsourcing initial processing of all submissions.


There was utterly no deceptive intent on the part of any of the inventors, the assignee, or patent counsel in this omission of Mr. Matityahu from the original inventors. Both prior and subsequent to the omission, Mr. Matityahu has been named as an inventor, sole or joint, on other patent applications filed with the U.S. Patent Office. The inventors, assignee, and patent counsel apologize to the U.S. Patent Office and Examiner for not catching this error before it occurred, and believe that this petition for correction, which comes upon the first response from the U.S. Patent Office, is filed with reasonable diligence given the heavy burden upon the U.S. Patent Office and problems that have been reported and experienced as occurring with the outsourced initial processing.

Subsequent to the discovery of the omission no other application has been filed for any employee of NetOptics, Inc. without checking with Mr. Matityahu and Mr. Shaw that the correct individual, or individuals, is or are named as inventor(s) and have signed the original declarations.

The undersigned declare that all statements made above are, if of their respective own knowledge, true; and if made on information and belief, believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued therein.

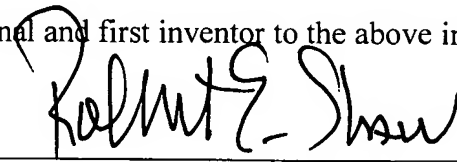

Robert E. Shaw, Original and First Inventor

Date: 5-5-2008


Eldad Matityahu, Original and First Inventor

Date: 5-5-2008

The assignee for the invention in the above-titled patent application, numbered 10/667,107, unreservedly consents to the addition of Eldad Matityahu as an additional original and first inventor to the above invention.


By: Robert E. Shaw, President and Chief Executive Officer
Of NetOptics, Inc.

Date: 5-5-2008